

# EXHIBIT 3

United States District Court

For the Northern District of California

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8                   IN THE UNITED STATES DISTRICT COURT  
9                   FOR THE NORTHERN DISTRICT OF CALIFORNIA

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11 GENENTECH, INC.,

No C 03-1603 VRW

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Plaintiff,

ORDER

13

v

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TRUSTEES OF COLUMBIA UNIVERSITY

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OF THE CITY OF NEW YORK,

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Defendant.

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19                   The court has received letters from the parties. Doc  
20 ## 16-17. Defendant has also filed a notice with the court of  
21 its motion with the Judicial Panel on Multidistrict Litigation  
22 ("JPML") to transfer a number of cases to this court for  
23 consolidated pretrial proceedings under 28 USC § 1407. Doc  
24 # 20.

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26                   The court finds it appropriate to stay discovery in  
27 this case for such time as the JPML has pending motions  
28 regarding this litigation. See Mediterranean Enterprises, Inc v  
Syangyoung Corp, 708 F2d 1458, 1465 (9th Cir 1983) (holding that

1 a "trial court may, with propriety, find it is efficient for its  
2 own docket and the fairest course for the parties to enter a  
3 stay of an action before it, pending resolution of independent  
4 proceedings which bear upon the case").

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6 IT IS SO ORDERED.

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8 Date: 12/2/2003

/s/

9 VAUGHN R WALKER

10 United States District Judge

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